

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte: XM WONG and ROCK TAO

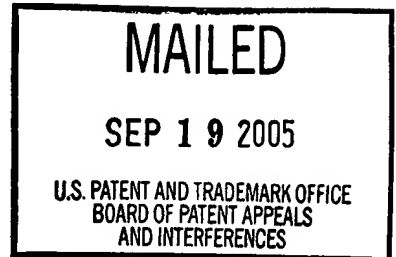
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Application No. 09/741,684

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received at the Board of Patent Appeals and Interferences on July 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

An Information Disclosure Statement was filed on November 18, 2002. The corresponding considered Form-1449 is missing from the file record.

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Further, appellant filed a Reply Brief dated November 12, 2004, in response to the Examiner's Answer dated September 7, 2004; followed by a Supplemental Information Disclosure Statement, dated December 20, 2004.

A review the Image File Wrapper (IFW) reveals that none of the above, the Information Disclosure Statement dated November 18, 2002, the Reply Brief filed November 12, 2004, nor the Information Disclosure Statement filed December 20, 2004, have been considered or acknowledged by the examiner. A written communication notifying appellant of the Examiner's receipt and consideration is required.

Accordingly, it is

**Ordered** that the application is returned to the Examiner for

1) the examiner to obtain the required Form 1449 and consider the Information Disclosure Statement, dated November 18, 2002, acknowledging such consideration in a written communication;

2) determine if the Supplemental Information Disclosure Statement filed December 20, 2004, it is in compliance with 37

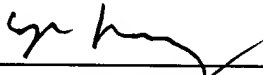
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CFR § 41.41 and will be entered. To determine if any further action as may be appropriate; and/or

3) acknowledge receipt and consideration of the Reply Brief, filed November 12, 2004; and

4) for any further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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